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GENERAL COUNSEL'S OPINION NUMBER 55-10, DATED 24 JANUARY 1955

Continuous service abroad is not interrupted by maternity leave, whether it consists of sick, annual, or LWOP.

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TO CHIEF OF MISSION, ☐

1. You have asked for comments regarding the effect of LWOP during maternity leave on "continuous service" abroad for an agency employee. A forthcoming regulation on leave will clarify the matter, but our conclusions regarding its application are furnished to avoid any marginal confusion on its interpretation.

2. Maternity leave may be granted in a proper case and may consist of sick and annual leave and leave without pay. Certain approvals required within the Regulation relate to the duration of the maternity leave itself. Further, LWOP may be granted whether or not the employee has annual or sick leave to her credit, and with respect to employees assigned abroad, the period of leave does not break the continuity of service required for qualification under the home leave provisions of our Regulation, nor does it require that the employee's tour be extended for the period of such leave. Your suggestion that LWOP exceeding thirty days taken abroad after the exhaustion of sick leave does not constitute a break in the continuous service is correct, and it is not necessary to tack such leave to the overseas tour of duty.

3. Comptroller General's decision B-93365 of 16 March 1950 is an unpublished decision which has been used as the keystone reference for subsequent regulations, although it does not specifically consider the matter of LWOP. A copy of this decision is being provided for your reference.

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